

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 2, 4, 9 and 16 are amended to overcome the rejection under 35 U.S.C. §112, and to distinguish from the cited references of Waldheim and Larsen, as more specifically described below in responding to each such cited reference, and new claim 18 is added. No new matter is added by this Amendment. Support for new claim 18 can be found throughout the specification, for example at paragraph 169.

I. Rejections Under 35 U.S.C. §102(b)

A. Bel'skaya

Claims 1-7 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bel'skaya et al., "Reaction of 2-Aryl-Hydrazonoacetamides with Orthoesters. Synthesis of New TetraHydro-1,2,4-Triazines," Chemistry of Heterocyclic Compounds, Vol. 36, No. 9, pp. 1066-76 (2005), (hereinafter "Bel'skaya"). This rejection is respectfully traversed.

The Patent Office alleges that Bel'skaya teaches a compound, which anticipates the hydrazones according to formula (I) as recited in claim 1. Applicants respectfully disagree with this assertion.

Applicants submit that Bel'skaya does not teach or suggest an insecticide containing a hydrazone of formula (I) as an active ingredient as required in claim 1. Applicants thus submit that Bel'skaya does not teach or suggest the insecticide recited in claims 1-7 because Bel'skaya nowhere teaches or suggests that its hydrazone compound may be used as an active ingredient in an insecticide, or otherwise has any insecticidal activity.

Moreover, Applicants submit that Bel'skaya does not teach or suggest an insecticide further comprising an insecticidal carrier, an insecticidal spreader, an insecticidal emulsifier, an insecticidal wetting agent, an insecticidal dispersing agent or an insecticidal disintegrator, as required in new claim 18.

For the foregoing reasons, Applicants submit that Bel'skaya does not teach or suggest the insecticide composition recited in claims 1-7 and 18. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Waldheim

Claims 9 and 14-17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Waldheim et al., Journal Fuer Praktische Chemie/Chemiker-Zeitung, Vol. 337, No. 3, p. 222 (1995), (hereinafter "Waldheim"). This rejection is respectfully traversed.

The Patent Office alleges that Waldheim teaches compounds which allegedly anticipate the hydrazone according to formula (II) as recited in claim 9 when A' is aryl, Q' is aryl, Z' is alkyl, W is NH, Y is O, X^{1'} is hydrogen and X^{2'} is methyl or phenyl. However, Applicants respectfully point out that claim 9 has been amended to delete the recitation that W' is N(R³)- wherein R³ is hydrogen atom, an alkyl, an alkenyl or an alkynyl.

Applicants submit that Waldheim does not teach or suggest a compound corresponding to formula (II), wherein W' is an oxygen atom, -(C(R¹)(R²))_n-, -O(C(R¹)(R²))_n-, or - (C(R¹)(R²))_nO-, wherein n is an integer of 1 to 5, and R¹ and R² independently of the other are hydrogen atom, an alkyl, an alkenyl or alkynyl, or R¹ and R² together form an alkylidene group, as recited in claim 9.

For the foregoing reasons, Applicants submit that Waldheim does not teach or suggest all of the features as recited in claims 9 and 14-17. Reconsideration and withdrawal of the rejection are thus respectfully requested.

C. Claims 8 and 10-13

The Patent Office states in its rejection relying upon Bel'skaya that claim 8 avoids being rejected because A is limited to phenyl or heterocyclic and in the structure of Bel'skaya, A is a substituted phenyl(aryl). The Patent Office makes a similar statement that claims 10-13 avoid being rejected relying upon Waldheim because A' is limited to phenyl or

heterocyclic, while A' in the structure of Waldheim is a substituted phenyl(aryl). Applicants have interpreted this to mean that the Patent Office understands A and A' to be only an unsubstituted phenyl or an unsubstituted aryl.

However, Applicants respectfully point out that A as recited in claim 8, and similarly A' in claims 10-13, contain both substituted and unsubstituted phenyl or aryl. Thus, the Patent Office's understanding appears to be inaccurate.

II. Rejection Under 35 U.S.C. §103(a)

Claims 9-12 and 14-17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Larsen et al., "Thiocarbonyl Transfer Reagent Chemistry. 3. Selective Displacements with Formaldehyde Hydrazones and Other Nucleophiles," Journal of Organic Chemistry, Vol. 46, pp. 2465-66 (1981) (hereinafter "Larsen"). This rejection is respectfully traversed.

The Patent Office alleges that Larsen teaches a compound that fulfills all of the limitations of formula (II) as recited in claim 9, wherein A' and Q' is phenyl, W is NH, Y is sulfur, and X^{1'} and X^{2'} are hydrogen. The Patent Office admits that X' as taught by Larsen is hydrogen, and not alkyl as recited in claim 9. However, the Patent Office alleges that one of ordinary skill in the art would have found it obvious to have substituted one known isomer for another known isomer. Applicants respectfully disagree with the Patent Office's allegations that Larsen teaches or suggests all of the features recited in claims 9-12 and 14-17.

Applicants respectfully point out that claim 9 has been amended to delete the recitation that W' is N(R³)- wherein R³ is hydrogen atom, an alkyl, an alkenyl or an alkynyl. Applicants thus submit that Larsen does not teach or suggest a compound corresponding to formula (II), wherein W' is an oxygen atom, -(C(R¹)(R²))_n-, -O(C(R¹)(R²))_n-, or -(C(R¹)(R²))_nO-, wherein n is an integer of 1 to 5, and R¹ and R² independently of the other

are hydrogen atom, an alkyl, an alkenyl or alkynyl, or R¹ and R² together form an alkylidene group, as recited in claim 9.

For the foregoing reasons, Applicants submit that Larsen does not teach or suggest all of the features recited in claims 9-12 and 14-17. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Rejection Under 35 U.S.C. §112, first paragraph

Claims 1-17 were rejected under 35 U.S.C. §112, first paragraph, because the specification is allegedly not enabled for compounds wherein Y is sulfur. This rejection is respectfully traversed.

To expedite the prosecution of this application, Applicants have amended the claims to recite that Y is oxygen. The recitation that Y is sulfur has been deleted from the present claims.

Applicants submit that this rejection is now moot. Reconsideration and withdrawal of the rejection are thus respectfully requested.

IV. Information Disclosure Statement

Applicants respectfully request that the Patent Office return an initialed copy of the Form PTO-1449 submitted with the Information Disclosure Statement filed on March 17, 2006 with the next communication mailed by the Patent Office.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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